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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,490	09/08/2003	E. Scott Hagermoser	59004US002	2018
32692 7590 12/12/2007 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER MOON, SEOKYUN	
			ART UNIT 2629	PAPER NUMBER
			NOTIFICATION DATE 12/12/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com  
LegalDocketing@mmm.com

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/658,490

Applicant(s)

HAGERMOSER ET AL.

Examiner

Seokyun Moon

Art Unit

2629

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED ON 11/16/2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: ~~1-3~~ \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
Please see the attached sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Prior to the discussion regarding the Applicants' arguments, detailed explanation regarding the combination of the prior arts of record will be made to clarify how the combination of the prior arts would teach all the limitation of claims 1, 23, and 28.

Gillespie (US 7,109,978) teaches a capacitive touch screen.

Pryor (US 7,084,859) teaches an idea of implementing a capacitive touch screen in a steering wheel of a vehicle in order to control various electronic systems of the vehicle.

By applying the idea of Pryor to the device of Gillespie, Gillespie as modified by Pryor teaches a steering wheel in which Gillespie's capacitive touch screen is included.

As shown on fig. 1c of Pryor, Pryor's touch sensor 10 is disposed on the steering wheel. Thus, the combination of Gillespie and Pryor would teach Gillespie's touch screen being placed in the location of the Pryor's touch screen 10. Since Pryor's steering wheel includes an airbag, the front most surface of Gillespie's touch screen would be an airbag cover (note that the front most surface of Pryor's touch screen is exposed to the device-user of the steering wheel and thus, the front most surface of Gillespie's touch screen would be exposed to the device-user, in the combination of Gillespie and Pryor).

Gillespie as modified by Pryor does not teach a capacitive touch sensor being disposed between an airbag and an airbag cover.

Neuman (US 5,942,815) teaches an idea of placing a capacitive touch sensor between an airbag and an airbag cover (note that Gillespie as modified by Pryor teaches the capacitive touch sensor being disposed behind the airbag cover, but does not expressly teach where the airbag is located).

By applying the idea of Neuman to the device of Gillespie as modified by Pryor, Gillespie as modified by Pryor and Neuman teaches the capacitive touch sensor being disposed between an airbag and

an airbag cover (note that, in the combination of Gillespie and Pryor, the front most surface of Gillespie's touch sensor is an airbag cover. Thus, in the combination of Gillespie, Pryor, and Neuman, the front most surface of the Gillespie's touch screen is still an airbag cover, and all other components including touch sensor of the touch screen of Gillespie are disposed between the airbag and the airbag cover, i.e. the front most surface of the touch screen). Examiner respectfully submits that not all the components of the touch screen of Gillespie is construed as a capacitive touch sensor, but the components of the touch screen other than the insulating layer 36 is construed as a capacitive touch sensor. Examiner believes it would be a reasonable to construe the components other than the insulating layer as a capacitive touch sensor since, in the instant application, the airbag cover is not construed as a part of the capacitive touch sensor even though the capacitive coupling is based on the coupling between the touch on the airbag cover and the sensing means.

Accordingly, the Examiner respectfully submits that the Applicants' arguments regarding the claim limitation, "*airbag cover*" and Gillespie's "*insulating layer 36*" [Appl. Remark: pg 7 – pg 9 line 7] are not persuasive.

The Applicants pointed out that the Examiner's interpretation is not consistent [pg 7 – pg 8]. Examiner respectfully disagrees. For the combination of Gillespie as modified by Pryor and Neuman, the Examiner did not incorporate the whole structure of Neuman into the device of Gillespie as modified by Pryor (Gillespie as modified by Pryor teaches an airbag, a capacitive touch sensor, and an airbag cover, but does not expressly teach where the capacitive touch sensor is located. Neuman suggests a location to put a capacitive touch sensor in a steering wheel). For the combination, Neuman's idea of placing a capacitive touch sensor between an airbag and an airbag cover is applied to the device of Gillespie as modified by Pryor.

The Applicants further pointed out that the touch screen of Gillespie would not work properly with the system of Pryor [pg 9 line 8 – pg 10 line 7]. First of all, the test for obviousness is not whether

the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). As explained above, for the combination of Gillespie and Pryor, merely an idea of Pryor, implementing a capacitive touch screen in a steering wheel of a vehicle to control electronic systems of the vehicle, is applied to the device of Gillespie. Furthermore, Pryor's statement, "*Other touch screen types may be also be advantageously slit or serrated or otherwise induced to break or disintegrate as well, but many will not work properly in this mode due to disruption of acoustic or capacitive fields for example. Again a big advantage of the instant invention*" is about incompatibility of Pryor's system in a specific mode with other types of touch screen. However, as explained above, for the combination, the Examiner did not incorporate the whole structure of Pryor into the device of Gillespie.

The Applicants pointed out, "*Applicants' claimed invention requires a capacitive touch sensor, the very element that Pryor excludes, and thus provides a solid foundation for the position that one of skill in the art would not view the pending claims as obvious*" [pg 12]. Examiner respectfully disagrees. Pryor does teach a capacitive touch sensor [Pryor: col. 17 lines 13-18] as an inputting means.

For the foregoing reasons, the Examiner respectfully submits that the Applicants' arguments have been fully considered but they are not persuasive.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seokyun Moon whose telephone number is (571) 272-5552. The examiner can normally be reached on Mon - Fri (8:30 a.m. - 5:00 p.m.).

Application/Control Number:  
10/658,490  
Art Unit: 2629

Page 5

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (572) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 28, 2007

- s.m.

  
SUMATI LEFKOWITZ  
SUPERVISORY PATENT EXAMINER